



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

23 DEC 1996

CECW-PC (10-1-7a)

SUBJECT: Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on East Baton Rouge Parish Watershed, Louisiana. It is accompanied by the report of the district and division engineers. These reports are in partial response to a resolution by the Committee on Public Works of the United States Senate dated 14 April 1967. The study resolution requested a review of reports on the Amite River and its tributaries, Louisiana, to determine whether the existing project should be modified in any way at this time with particular reference to additional improvements for flood control and related purposes on Amite River, Bayou Manchac, and Comite River, and their tributaries. Preconstruction engineering and design activities will be continued under this authority.

2. The reporting officers recommend channel modifications, for the purpose of reducing flood damages, to five separable elements which are independent watersheds within the parish of East Baton Rouge. These watersheds are Blackwater Bayou and its main tributary, Beaver Bayou, Jones Creek and tributaries, Ward Creek and tributaries, and Bayou Fountain. The total plan for all five watersheds consists of modifying approximately 66 miles of channel. This includes approximately 25 miles of minimal channel clearing and snagging, 24 miles of earthen channel enlargement, and 17 miles of channel concrete lining. Fish and wildlife mitigation features consist of the reforestation of 397 acres of cleared land to compensate for an estimated 280 acres of bottomland hardwoods that would be lost to project construction. The project includes one recreation feature, an 11-mile bicycle path in the Jones Creek watershed, to be constructed on land required for the flood damage reduction purpose.

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3. Project costs pertain to both flood damage reduction and recreation purposes. At the October 1996 price level, the estimated first cost of the recommended plan is \$107,000,000. This cost includes \$105,790,000 for flood damage reduction and \$1,210,000 for recreation. The total average annual cost, based on a discount rate of 7 3/8 percent, and a 50-year period of analysis, is estimated at \$9,982,000, including \$329,000 for operation, maintenance, repair, replacement, and rehabilitation. The average annual economic benefits are estimated at \$24,978,000. The benefit cost ratio is 2.5 to 1. For the flood damage reduction component, the annualized benefits and costs are \$24,355,000 and \$9,832,000, respectively, with a benefit cost ratio of 2.5. For the recreation component, the annualized benefits and costs are \$623,000 and \$150,000, respectively, with a benefit cost ratio of 4.2. The proposed plan is the National Economic Development (NED) plan and each of the separable watersheds is economically justified and represents the NED plan for that element.

4. The non-Federal sponsor plans to perform work-in-kind, consisting of all snagging and clearing work in all five watersheds and, in the Bayou Fountain watershed, all design, construction and construction management, estimated at \$4,800,000, to apply as credit toward the non-Federal share of project costs. This credit, recommended by the reporting officers, would apply to any sponsor expenditures compatible with the recommended plan, with the actual amount to be determined by the final audit. Although the watersheds are separable, the overall plan is a comprehensive one for the study area; consequently, non-Federal sponsor credits, in excess of the minimum required in any one watershed, may be applied toward the minimum requirements for other watersheds under the terms of the Project Cooperation Agreement. I concur in this recommendation of the reporting officer.

5. Section 202(a) of the Water Resources Development Act of 1996 amends the cost sharing formula for construction of flood control projects, and section 202(c) requires the non-Federal sponsor to prepare and put into place flood plain management plans. The

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change in the flood control project construction cost sharing formula increases the minimum non-Federal cost share from 25 percent to 35 percent. The non-Federal cost sharing for recreation remains unchanged at 50 percent. As a result, the Federal and non-Federal shares of the cost of construction of the total project are \$69,369,000 and \$37,631,000, respectively, as explained below:

PURPOSE	COST SHARING (Federal/ Non-Federal)	TOTAL COST (\$000)	FEDERAL COST (\$000)	NON-FEDERAL COST (\$000)
Flood Damage Reduction	65%/35%	\$105,790	\$68,764	\$37,026
Recreation	50%/50%	\$1,210	\$605	\$605
Total Cost	N/A	\$107,000	\$69,369	\$37,631

6. In addition, the non-Federal sponsor would be required to operate, maintain, repair, replace, and rehabilitate the project as necessary.

7. Washington level review indicates that the proposed plan is technically sound, economically justified, environmentally and socially acceptable, and conforms to applicable Federal laws and regulatory requirements and is in compliance with other relevant Federal and U.S. Army Corps of Engineers regulations. The report has been coordinated with appropriate Federal, State, local, and public interests. There are no objections to the proposed plan at this time.

8. Accordingly, I recommend that improvements for flood damage reduction in the East Baton Rouge Parish Watershed be authorized subject to cost sharing as required by the Water Resources Development Act of 1986, as amended by Sections 202(a) and (c) of the Water Resources Development Act of 1996. This recommendation is also subject to the non-Federal sponsor agreeing to comply with applicable Federal laws and policies, including the following requirements:

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a. Provide all lands, easements, and rights-of-way, including suitable borrow and dredged or excavated material disposal areas, and perform or assure the performance of all relocations determined by the Government to be necessary for the construction, operation, and maintenance of the project;

b. Provide or pay to the Government the cost of providing all retaining dikes, wasteweirs, bulkheads, and embankments, including all monitoring features and stilling basins, that may be required at any dredged or excavated material disposal areas required for the construction, operation, and maintenance of the project;

c. For so long as the project remains authorized, operate, maintain, repair, replace, and rehabilitate the completed project, or functional portion of the project, at no cost to the Government, in accordance with applicable Federal and State laws and any specific directions prescribed by the Government;

d. Grant the Government a right to enter, at reasonable times and in a reasonable manner, upon land which the local sponsor owns or controls for access to the project for the purpose of inspection, and, if necessary, for the purpose of completing, operating, maintaining, repairing, replacing, or rehabilitating the project;

e. Provide during the period of construction a cash contribution equal to 5 percent of total project cost assigned to structural flood control;

f. Provide a minimum of 35 percent, but not to exceed 50 percent, of total project costs assigned to structural flood control;

g. Provide 35 percent of that portion of total cultural resource preservation mitigation and data recovery costs attributable to flood control that are in excess of one percent of the total amount authorized to be appropriated for flood control;

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h. Provide during the period of construction a cash contribution equal to 50 percent of the total project cost assigned to recreation;

i. Assume responsibility for any legal liabilities resulting from transfer of water from one watershed to another;

j. Assume responsibility for operating, maintaining, replacing, repairing, and rehabilitating (OMRR&R) the project or completed functional portions of the project, including mitigation and recreation features without cost to the Government, in a manner compatible with the project's authorized purpose and in accordance with applicable Federal and State laws and specific directions prescribed by the Government in the OMRR&R manual and any subsequent amendments thereto;

k. Within 1 year after the date of signing a project cooperation agreement, prepare a floodplain management plan designed to reduce the impact of future flood events in the project area. This plan shall be prepared in accordance with guidelines to be developed by the Secretary. The plan must be implemented no later than 1 year after completion of construction of the project;

l. Prescribe and enforce regulations to prevent obstruction of or encroachment on the project that would reduce the level of protection it affords or that would hinder operation and maintenance of the project;

m. Implement and enforce existing and required supplemental flood damage prevention ordinances in the Bayou Fountain watershed;

n. Enact ordinances and promulgate regulations prior to initiation of construction to prevent construction and encroachment on the proposed project works that would reduce their flood-carrying capacity or hinder maintenance and operation, and control development in the project area to prevent an undue increase in the flood damage potential;

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o. Assure that construction, operation, and maintenance of any non-Federal flood control features do not diminish the flood protection provided by the authorized plan;

p. Comply with Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separate element;

q. Hold and save the Government free from all damages arising for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the Government or the Government's contractors;

r. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project to the extent and in such detail as will properly reflect total project costs;

s. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements or rights-of-way necessary for the construction, operation, and maintenance of the project; except that the non-Federal sponsor shall not perform such investigations on lands, easements, or rights-of-way that the Government determines to be subject to the navigation servitude without prior specific written direction by the Government;

t. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-

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of-way that the Government determines necessary for the construction, operation, or maintenance of the project;

u. To the maximum extent practicable, operate, maintain, repair, replace, and rehabilitate the project in a manner that will not cause liability to arise under CERCLA;

v. Participate in and comply with applicable Federal floodplain management and flood insurance programs in accordance with Section 402 of Public Law 99-662;

w. Prevent future encroachments on project lands, easements, and rights-of-way which might interfere with the proper functioning of the project;

x. Not less than once each year, inform affected interests of the limitations of the protection afforded by the project;

y. Publicize floodplain information in the area concerned and provide this information to zoning and other regulatory agencies for their use in preventing unwise future development in the floodplain, and in adopting such regulations as may be necessary to prevent unwise future development and to ensure compatibility with protection levels provided by the project;

z. Comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR part 24, in acquiring lands, easements, and rights-of-way, and performing relocations for construction, operation, and maintenance of the project, and inform all affected persons of applicable benefits, policies, and procedures in connection with said act; and

aa. Comply with all applicable Federal and State laws and regulations, including Section 601 of the Civil Rights Act of

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9. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to the Congress as a proposal for authorization and implementation funding. However, prior to transmittal to the Congress, the sponsor, the City-Parish Government of East Baton Rouge Parish; State of Louisiana; interested Federal agencies; and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

~~JOE N. BALLARD~~
~~Lieutenant General, USA~~
~~Chief of Engineers~~